UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/848,987	05/03/2001	Mary A. Holstege	21113-05572	8754

22830   7590   05/25/2005

CARR & FERRELL LLP
2200 GENG ROAD
PALO ALTO, CA 94303

EXAMINER
NAWAZ, ASAD M

ART UNIT	PAPER NUMBER
2155	

DATE MAILED: 05/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/848,987	HOLSTEGE, MARY A.
	Examiner	Art Unit	
	Asad M. Nawaz	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>*20 December 2004*</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>*20 December 2004*</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
   application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   This action is responsive to the amendment received on December 20, 2004.

The drawings filed on December 20, 2004 have been accepted. Claims 26, 27, and 28

have been amended to reflect new claim dependencies. Claims 1-30 are remain

pending.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3.   Claims 1-2, 11-12, 14-16, 25-26, and 28-30 are rejected under 35 U.S.C. 102(b)

as being anticipated by Shen (US Patent No 5,946,697).

As to claim 1, Shen teaches a method for monitoring multiple online resources in

different formats, the method comprising the steps: identifying an online resource to

monitor, the online resource being stored in a first format; converting the online

resource to a strict formatted file; identifying relevant data in the strict formatted file

using an analytic parser, and determining whether the identified relevant data has been

altered. (Abstract; Fig 3; col 2, lines 65-67 and col 3, lines 1-20; col 8, lines 49-66).

Claims 15 and 30 are rejected for essentially being the system for the method taught in claim 1.

Claim 29 is rejected for essentially being a method as taught in claim 1 except that data has been remotely updated, a limitation that is taught by Shen. (Col 2, lines 50-52)

As to claims 2 and 16, Shen teaches the method of claim 1 and the system of claim 15 wherein the online resource is a HyperText Markup Language application. (Abstract; col 1, lines 28-49)

As to claims 11 and 25, Shen teaches a method of claim 1 and the system of claim 15 wherein an altered file is determined by comparing the identified relevant data to a most recent archived copy of the identified relevant data. (col 8, lines 32-53)

As to claims 12 and 25, Shen teaches a method of claim 11 and a system of claim 15 further comprising the step of storing the identified relevant data within a database. (Fig 2; col 9, lines 10-37)

As to claims 14 and 28, Shen teaches a method of claim 1 and the system of claim 15 further comprising the step of automatically updating a database. (col 9, lines 10- 15)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 3-8 and 11-22 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Shen (US Patent No 5,946,697) and further in view of Helgeson et al (US Patent

No 6643652).

As to claim 3, Shen teaches the method of claim 1 but does not explicitly indicate

that the online resource is a non-HyperText Markup Language application.

Helgeson teaches a method to manage data exchange among systems in a

network by translating data from a system specific local format to a generic interchange

format and vice versa. More specifically, Helgeson teaches transformations from XML

to html, pdf, xml, wml, xhtml, etc through the use of XSL/XSLT (col 49, lines 55-64; col

50, lines 43-67).

It would have been obvious for one with ordinary skill in the art to incorporate the

teachings of Helgeson into those of Shen to make the system more flexible. Flexibility

of a system can be achieved through the integration of disparate business applications

enabling modular interconnection of systems containing data import, export and event

monitoring and reporting facilities which are protocol independent. (Helgeson Col 2,

lines 35-50)

Claim 17 is rejected on similar grounds as claim 3 above.

As to claim 4, Shen teaches the method of claim 3 but does not explicitly indicate further comprising the step of converting the online resource to a HyperText Markup Language application.

Helgeson teaches a method to manage data exchange among systems in a network by translating data from a system specific local format to a generic interchange format and vice versa. More specifically, Helgeson teaches transformations from XML to html, pdf, xml, wml, xhtml, etc through the use of XSL/XSLT (col 49, lines 55-64; col 50, lines 43-67).

It would have been obvious for one with ordinary skill in the art to incorporate the teachings of Helgeson into those of Shen to make the system more flexible. Flexibility of a system can be achieved through the integration of disparate business applications enabling modular interconnection of systems containing data import, export and event monitoring and reporting facilities which are protocol independent. (Helgeson Col 2, lines 35-50)

Claim 18 is rejected on similar grounds as claim 4 above.

As to claim 5, Shen teaches the method of claim 1 but does not explicitly indicate an Extensible Style Sheet Transform is used to convert the online resource to the strict formatted file.

Helgeson teaches a method to manage data exchange among systems in a network by translating data from a system specific local format to a generic interchange

format and vice versa. More specifically, Helgeson teaches transformations from XML

to html, pdf, xml, wml, xhtml, etc through the use of XSL/XSLT (col 49, lines 55-64; col

50, lines 43-67).

It would have been obvious for one with ordinary skill in the art to incorporate the

teachings of Helgeson into those of Shen to make the system more flexible. Flexibility

of a system can be achieved through the integration of disparate business applications

enabling modular interconnection of systems containing data import, export and event

monitoring and reporting facilities which are protocol independent. (Helgeson Col 2,

lines 35-50)

Claim 19 is rejected on similar grounds as claim 5 above.

As to claim 6, Shen teaches the method of claim 1 but does not explicitly indicate

the strict formatted file is an Extensible Markup Language application.

Helgeson teaches a method to manage data exchange among systems in a

network by translating data from a system specific local format to a generic interchange

format and vice versa. More specifically, Helgeson teaches transformations from XML

to html, pdf, xml, wml, xhtml, etc through the use of XSL/XSLT (col 49, lines 55-64; col

50, lines 43-67).

It would have been obvious for one with ordinary skill in the art to incorporate the

teachings of Helgeson into those of Shen to make the system more flexible. Flexibility

of a system can be achieved through the integration of disparate business applications

enabling modular interconnection of systems containing data import, export and event

monitoring and reporting facilities which are protocol independent. (Helgeson Col 2,
lines 35-50) Furthermore, languages like xml and html are more formally referred to a
standard generalized markup languagles and conform to a particular document type
definition where most elements have start tags followed by some content and an end
tag. (Shen col 1, lines 27-49)

Claim 20 is rejected on similar grounds as claim 6 above.

As to claim 7, Shen teaches the method of claim 1 but does not explicitly indicate
the strict formatted file is an Extensible HypterText Markup Language application.

Helgeson teaches a method to manage data exchange among systems in a
network by translating data from a system specific local format to a generic interchange
format and vice versa. More specifically, Helgeson teaches transformations from XML
to html, pdf, xml, wml, xhtml, etc through the use of XSL/XSLT (col 49, lines 55-64; col
50, lines 43-67).

It would have been obvious for one with ordinary skill in the art to incorporate the
teachings of Helgeson into those of Shen to make the system more flexible. Flexibility
of a system can be achieved through the integration of disparate business applications
enabling modular interconnection of systems containing data import, export and event
monitoring and reporting facilities which are protocol independent. (Helgeson Col 2,
lines 35-50) Furthermore, languages like xhtml and html are more formally referred to a
standard generalized markup languagles and conform to a particular document type

definition where most elements have start tags followed by some content and an end

tag. (Shen col 1, lines 27-49)

Claim 21 is rejected on similar grounds as claim 7 above.

As to claim 8, Shen teaches the method of claim 1 but does not explicitly indicate

the strict formatted file is a document object model of the online resource.

Helgeson teaches a method to manage data exchange among systems in a

network by translating data from a system specific local format to a generic interchange

format and vice versa. Helgeson also teaches a translation to a document object model

representation of the document in question(col 57, lines 25-30)

It would have been obvious for one with ordinary skill in the art to incorporate the

teachings of Helgeson into those of Shen to make the system more flexible. Flexibility

of a system can be achieved through the integration of disparate business applications

enabling modular interconnection of systems containing data import, export and event

monitoring and reporting facilities which are protocol independent. (Helgeson Col 2,

lines 35-50)

Claim 22 is rejected on similar grounds as claim 8 above.

5.   Claims 9-10, 13, 23-24, and 26 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Shen (US Patent No 5,946,697) further in view of Ball et al (US

Patent No 6,366,933).

As to claims 9 and 23, Shen teaches the method and system of claims 1 and 15 but does not explicitly indicate the analytic parser being a script.

Ball teaches a system for accessing documents contained in a remote repository, hich change in content form version-to-version. The system allows a periodic comparison between the archived and current version of the document. The comparator is implemented in many ways one of which is a perl script. (Abstract, col 10, lines 1-37 and 65-67)

It would have been obvious for one with ordinary skill in the art to incorporate the teachings of Ball into those of Shen to make the system efficient. The use of scripts helps to accomplish complicated tasks without much overhead.

As to claims 10 and 24, Shen teaches the method of claim 9 and the system of claim 23 teaches the script identifying relevant data via markers within the strict formatted file. (col 1, lines 27-49)

As to claims 13 and 27, Shen teaches the method of claim 1 and the system of claim 15 but does not explicitly indicate automatically notifying a user when the identified relevant data has changed.

Ball teaches several methods by which the user is notified when information on monitored pages are changed, added, or deleted(Abstract, Col 11, lines 3-5)

It would have been obvious for one with ordinary skill in the art to incorporate the teachings of Ball into those of Shen to make the system efficient. Often times a user

misses changes made to infrequently visited pages and thus would not know if

important information was changed. (Ball col 11, lines11-13)

Response to Arguments

6.   Applicant's arguments filed have been fully considered but they are not

persuasive.

In the remarks, the applicant argues in substance that: A) Shen does not identify

the online resources for the purpose of monitoring B) Shen does not disclose

conversion to a strict-formatted file C) HTML files are not strict-formatted files D) Shen

does not disclose using data identifiers or flags to locate relevant data E) motivation for

combining Hegelson with Shen is traversed F) motivation for combining Ball with Shen

is improper.

In response to A) Shen discloses a client agent that "transmits the uniform

resource locator for the site". Furthermore, Shen discloses a method for transferring

changes to synchronize a file with one stored on a remote web server location. (col 2,

lines 40-65) The URL is essentially sent to check for updates for the desired file. There

are no limitations in the claims as presented that further specify how the resource is

monitored. Therefore, Shen meets the scope of the claimed limitation: "identifying an

online resource to monitor, the online resource being stored in a first format".

In response to B) Shen discloses a conversion to a strict-formatted file. (col 2,

lines 65-67 and col 3, lines 1-20; col 8, lines 49-66) More specifically, because there

are no limitations in the claims as presented that specify what a strict formatted file is, the examiner has broadly interpreted the term "strict-formatted file".

In response to C) the argument as presented ("HTML files are not strict formatted files because HTML files do not require a strict architectural structure for identifiers") seems to contradict with the invention as claimed. More specifically, dependant claim 4 states that in the conversion of an online resource to a strict formatted file of independent claim 1, the online resource is converted to an HTML application. How then can a HTML application be both strictly formatted and not strictly formatted. The contradiction in this statement is apparent.

In response to D) Applicant argues that "Shen does not teach or suggest using data identifiers or flags to locate relevant data." These limitations are not found in the claims. Claimed subject matter not the specification is the measure of the invention. Disclosure contained in the specification cannot be read into the claims for the purpose of avoiding prior art. In re Sporck, 55 CCPA 743, 386 F .2d 924, 155 USPQ 687 (1986); In re Self, 213 USPQ 1, 5 (CCPA 1982); In re Priest, 199 USPQ 11, 15 (CCPA 1978).

In response to E) Shen can benefit from the flexibility of a system that is achieved through the integration of disparate business applications enabling modular interconnection of systems containing data import, export and *event monitoring* and reporting facilities which are protocol independent because Shen does monitor the changes in the document and thus contains some sort of event monitoring facility. Furthermore, as apparent in Fig 1 of Shen, There are multiple components involved in the overall system that would benefit from protocol independent facilities.

In response to F) Although the office action states ..."to make the system efficient", the next line in the office action states that the use of scripts helps to accomplish complicated tasks without overhead. This means that the analytic parser need not be a bulky component in order to carry out complicated task. Rather, a script as taught in the reference would suffice. So for the purposes of the limitation as taught in claims 9 and 23, the motivation read in context with the claims rejected sufficiently shows a suggestion, teaching or motivation that is clear and particular. The remaining claims that have been rejected

7.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

8.   Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Asad M. Nawaz whose telephone number is (571) 272-
3988. The examiner can normally be reached on M-F 8-4:30.

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Hosain Alam can be reached on (571) 272-3978. The fax phone number for
the organization where this application or proceeding is assigned is 703-872-9306.

        Information regarding the status of an application may be obtained from the
Patent Application Information Retrieval (PAIR) system. Status information for
published applications may be obtained from either Private PAIR or Public PAIR.
Status information for unpublished applications is available through Private PAIR only.
For more information about the PAIR system, see http://pair-direct.uspto.gov. Should
you have questions on access to the Private PAIR system, contact the Electronic
Business Center (EBC) at 866-217-9197 (toll-free).

AMN

SALEH NAJJAR
PRIMARY EXAMINER